

FOR FILING - 4 FEB 24

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

EK VENTURES I, LLC; DAVID L.
TAYLOR; DAVID L. TAYLOR AND
VIRGINIA L. TAYLOR as TRUSTEES
FOR THE TAYLOR FAMILY
REVOCABLE TRUST; and
FLEXTRONICS INTERNATIONAL LTD.,

Plaintiffs,

v.

JAMES R. BARTLETT and Z.B.R.
PUBLICATIONS, INC.,

Defendants.

CIVIL ACTION

No. 03 CV 12506 WGY

**AFFIDAVIT OF JEROLD T. EVERARD IN RESPONSE TO BARTLETT'S MOTION
TO DISMISS**

Jerold T. Everard, being duly sworn, deposes and states as follows:

1. I, Jerold T. Everard, represent EK Ventures I, David L. Taylor, and Flextronics International, Ltd., the plaintiffs in the above-referenced action.

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2. I have reviewed Defendant Bartlett's Motion to Dismiss and Supporting Affidavit of Melissa Tearney. In these documents, defendant Bartlett contends that there is no dispute as to what constitutes the February 4, 2000 Agreement among defendant Bartlett, defendant ZBR, Globalware Solutions, Inc., Bindco Corporation, and the selling shareholders of Bindco.
 3. In fact, there remains a dispute as to what constitutes the complete Agreement among the parties.
 4. My clients and I have for some time sought to review the original Agreement and all accompanying schedules purportedly on file with Globalware.
 5. To date, Globalware and its attorneys, Nixon Peabody, have not made the original Agreement and all accompanying schedules available for review by the plaintiffs.
- Due to this situation, there remains a dispute as to what constitutes the complete Agreement.

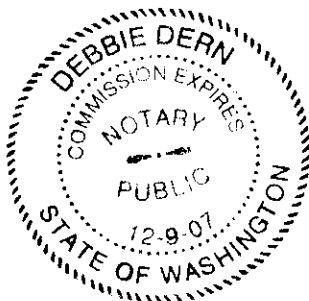
Dated this 3 day of February, 2004



Jerold T. Everard

State of Washington) ss.
County of King)

On this day personally appeared before me Jerold T. Everard to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 3rd day of February, 2004.




Print Name: Debbie Dern
NOTARY PUBLIC in and for the State of Washington, residing
at 28715 106th Place SE, Monroe, WA 98272
My Appointment Expires: 12/9/07